

B. OUTDOOR DINING

DESIGN STRATEGY

Outdoor dining enlivens the pedestrian environment. **Outdoor dining areas** must be designed to allow unimpeded pedestrian passage around or through them.

APPLICATION PROCESS

Applications for Outdoor Dining permits are obtained from the Downtown Permits Office (DPO). Each permit application must include the following items:

1. An approval letter from the Wake County Environmental Services Department for meeting the Local, State and Federal sanitary and health regulations (contact 856-7400 for more information). A copy of the State Rules Governing the Sanitation of Food Service Establishment (15 A NCAC 18A .2600) can be obtained at the link:
<http://www.deh.enr.state.nc.us/ehs/rules/t15a-18a.26.pdf>
2. A valid Business License from the City of Raleigh. Established businesses requesting permits may produce a copy of the active Business License and Proof of Insurance
3. A scaled sketch plan showing the proposed outdoor dining area boundary and surrounding streetscape details covering 6 feet on either side of property line including property lines, sidewalks, curb lines, lighting, trees indicating tree size, tree grates, planters, parking meters, benches, street signs, bus stops and fire hydrants. The defined dining area location, and number and arrangement of tables and chairs showing seating capacity should be included. See the sample sketch plan included in this section.
4. Photos, a brochure or an architectural drawing of proposed furniture and umbrella (if to be installed) showing the style, type, color and material.
5. Proof of a valid Insurance Policy that provides a minimum liability of one million dollars. The City of Raleigh must be additionally insured under the policy.
6. A written Indemnity Agreement satisfactory to the City Attorney that will hold harmless the City, its officers, councilors and employees, for any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted public space within the City of Raleigh (see Appendix Section 5 for sample Indemnity Agreement.).
7. Fee payment (see table below).
8. A State ABC License to serve alcoholic beverages in the outdoor dining space (contact 779-0700 for more information).
9. A City Beer/Wine License to sell alcohol (contact 890-3200 for more information).
10. An Outdoor Amplification permit for outdoor amplification (contact the DPO for more information).





REQUIRED PERMITS

- Wake County Environmental Services Approval Letter
- City of Raleigh Business License
- Outdoor Dining Permit
- NC ABC License (if alcoholic beverages are served)
- City Beer/Wine License (if alcoholic beverages are served)
- Outdoor Amplification Permit (if loudspeakers are to be used)

FEE SCHEDULE

Item	Fee
Wake County Environmental Services Approval Letter	Varies*
City of Raleigh Business License	Varies*
Outdoor Dining Annual Permit	\$150
NC ABC License (to serve alcoholic beverages)	Varies*
City Beer/Wine License	Varies*
Outdoor Amplification Permit (if needed)	\$200

* Fee varies with nature, type and size of business

PERMIT PROVISIONS

- Outdoor Dining permits are valid for one year (from July 1st through June 30th).
- All permit renewal applications have to be submitted by June 30th to the Downtown Permits Office.
- All Business License renewal applications have to be submitted by June 30th to the City of Raleigh Revenue Services Division.
- At the time of submittal of permit applications, applicants are also encouraged to provide contact email addresses that will be added to a list serve created for permit holders. Downtown Permits Office maintains record of all permits including contact information.
- Downtown Permits Office notifies applicants regarding the status of their permit approval.
- The permit holder is liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that directly relate to the use of the permitted space.
- Permit holders may be required to remove private materials or accessories temporarily to allow street, sidewalk, or utility access for maintenance operations or during approved special events. The Downtown Raleigh Alliance notifies permit holders via email at least 24 hours in advance of event related street closures approved through City Council.
- All issued permits are location-specific.
- Dining areas may be defined with approved fences, barriers, pots, or planters.
- The validity of annual outdoor dining permits supersedes that of special events approved by the City. Special event coordinators have to coordinate with businesses holding outdoor dining permits if the use of public spaces outside their businesses is likely to be affected by the upcoming special event.

Referrals to Encroachment Committee and Appeals

The Downtown Permit Office (DPO) coordinates the review of all permit requests outlined in this handbook. However, for a particularly complex permit request, or one of a potentially precedent-setting nature, the DPO staff may forward the request to the City's inter-departmental Encroachment Committee for expedited review. The

DPO will inform the applicant of such finding at the earliest possible date, and assist in scheduling the request before the committee. The Encroachment Committee meets the first and third Mondays of each month. The submittal deadline for the Committee agenda is generally two weeks before the meeting date. Please phone 516-2559 for additional details.

Additionally, if DPO staff members determine they cannot approve a given permit request, the applicant can elect to appeal that decision to the Encroachment Committee. If the Encroachment Committee denies the permit request, the decision may be appealed to the City Council through a Petition of Citizen. Details on filing Citizen Petitions can be obtained from the City Clerk's office by contacting 890-3040.

Violations

- The City of Raleigh Inspections Department notifies permit holders of violations.
- The permit holder is responsible for remedying the violation within the time period specified in the notice. Beyond that, fines or subsequent revocation of permits applies as per the standard procedure outlined in Section I. D.3 of this handbook.
- Outdoor dining permit violations incur a first time fine of \$100. Subsequent violations are \$200 for each occurrence and permits are revoked if a third violation occurs within a fiscal year.
- If at any time, the Wake County Environmental Services revokes or suspends the issued permit, the City permit is revoked or suspended simultaneously.

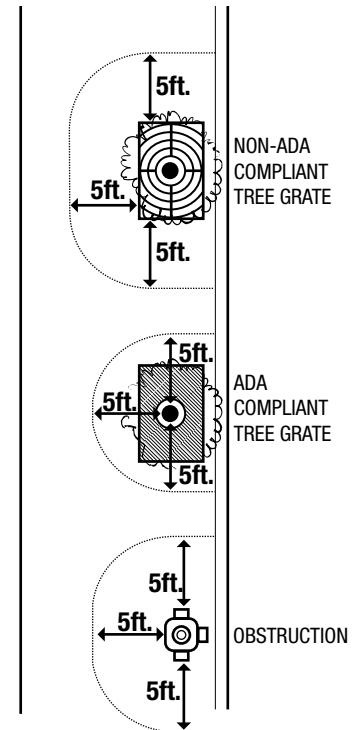
STANDARDS

For outdoor dining to be permitted within downtown public spaces, all of the following standards must be met:

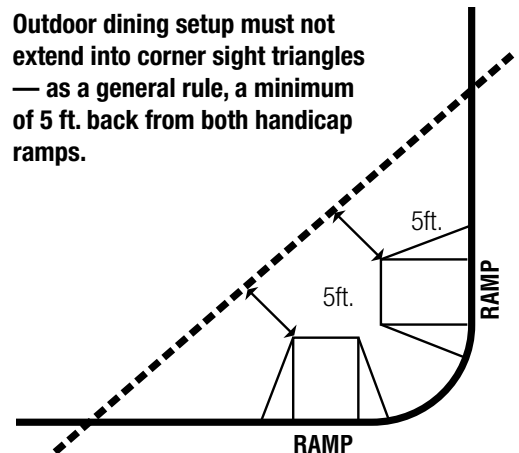
Location

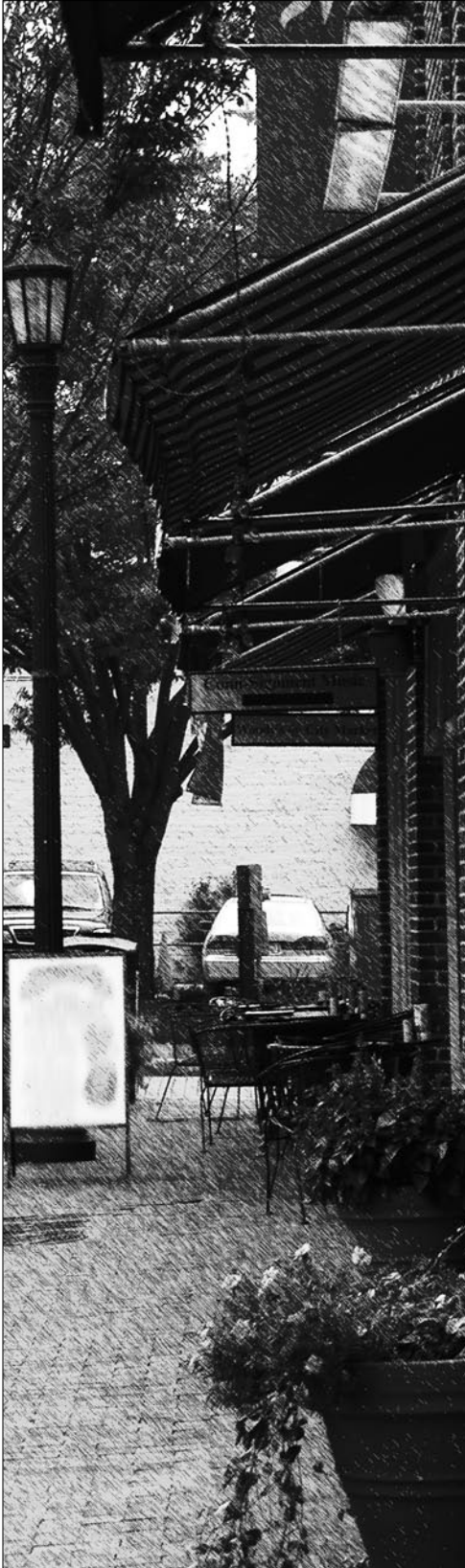
- Outdoor dining is limited to the area approved by the City as specified on the permit application.
- Dining area furniture may be located next to the curb (with 2 feet clearance) or adjacent to the building such that an unobstructed pedestrian corridor a minimum of 5 feet in width is maintained parallel to the street at all times. Where existing obstructions are present (such as fire hydrants), the corridor can be measured to go around these obstructions. For tree grates, the corridor is measured from the outer edge of the grate, unless an ADA-compliant grate is installed, in which case the 5 feet can be measured directly from the tree trunk.
- Additional sidewalk clearance may be required where pedestrian traffic or other circumstances warrant.
- An unobstructed pedestrian corridor of a minimum of 5 feet in width straight out must be maintained between any restaurant entrance and the pedestrian corridor space.
- Clear unobstructed height of 7 feet must be maintained between the sidewalk surface and overhead objects including umbrellas.
- A minimum clearance of 5 feet must be maintained between the outdoor dining space and edge of driveways, alleys, and handicapped ramps.
- The outdoor dining space must not block access to public amenities like street furniture, trash receptacles, and way finding, or directional signs.
- Outdoor dining areas may locate in front of adjacent properties with the written permission of the adjoining property/ business owner. A copy of the agreement must be filed with the Outdoor Dining Permit application.
- Dining areas at corners must not extend to within sight triangles at street intersections.

Clear space requirements around tree grates and other obstructions.



Outdoor dining setup must not extend into corner sight triangles — as a general rule, a minimum of 5 ft. back from both handicap ramps.





Fayetteville Street Location Standards

Fayetteville Street has wider sidewalks and enhanced streetscape elements. Additional parameters apply for locating an outdoor dining space within the **Garden Zone** and the **Walking Zone** on Fayetteville Street.

- An unobstructed pedestrian corridor a minimum of 7 feet in width must be maintained parallel to the street at all times.

Design

- Furniture must be made of durable material. No plastic, or unfinished or pressure treated wood furniture is permitted.
- Planters or pots may be used to define the outdoor dining space but are not required.
- Perimeter fences though permitted are discouraged. Fences must not be solid or opaque, made of plastic or unfinished or pressure treated wood, or affixed to the ground.
- Tabletop signage is limited to menus and must not exceed 4 square feet in area.
- There can be no more than 2 umbrellas per table.
- The umbrellas must be fixed so as to leave a clear height of 7 feet from the sidewalk surface.
- Umbrellas are not allowed on tables located within 10 feet of block corners.
- Lighting must not cause glare to pedestrians or vehicular traffic.
- Lighting must not be affixed to city trees without a permit from the City of Raleigh Urban Forestry Division (contact 872-4155 for more information).

Operation

- Outdoor dining is permitted only in front of a restaurant property. However, with written permission from the adjacent property owner, the outdoor dining area can extend into the frontage of the adjacent property.
- Dining areas may be defined with approved fences or barriers or pots or planters.
- Waiters are permitted to access all pedestrian space between the building and the designated outdoor dining space to serve the diners.
- Tables, chairs, planters, and pots may remain in the designated outdoor dining area throughout the permit period. All umbrellas, signage, and other accessories, however, must be removed from the dining area at the close of business each day.
- Outdoor dining areas are permitted to be open from 6:00 a.m. to 4:00 a.m. daily.
- The outdoor dining operation must comply with all State and Local sanitary and health regulations. A copy of the State Rules Governing the Sanitation of Food Service Establishment (15 A NCAC 18A .2600) can be obtained at the link: <http://www.deh.enr.state.nc.us/ehs/rules/t15a-18a.26.pdf>.
- If at any time, the Wake County Environmental Services revokes or suspends the issued permit, the City permit is revoked or suspended simultaneously.
- A host stand and table top candles are allowed within the approved dining area. However, these accessories have to be removed from the dining area at the close of business.
- No tents or cash registers are permitted within the outdoor dining area.
- Outdoor dining areas cannot run electrical cords from the restaurant building or the city power receptacles.
- Where alcoholic beverages are served, the permit holder must comply with all State and Local regulations for the sale, possession, and/or consumption of alcoholic beverages.
- Loudspeakers are prohibited unless approved under an Outdoor Amplification Permit from the City.

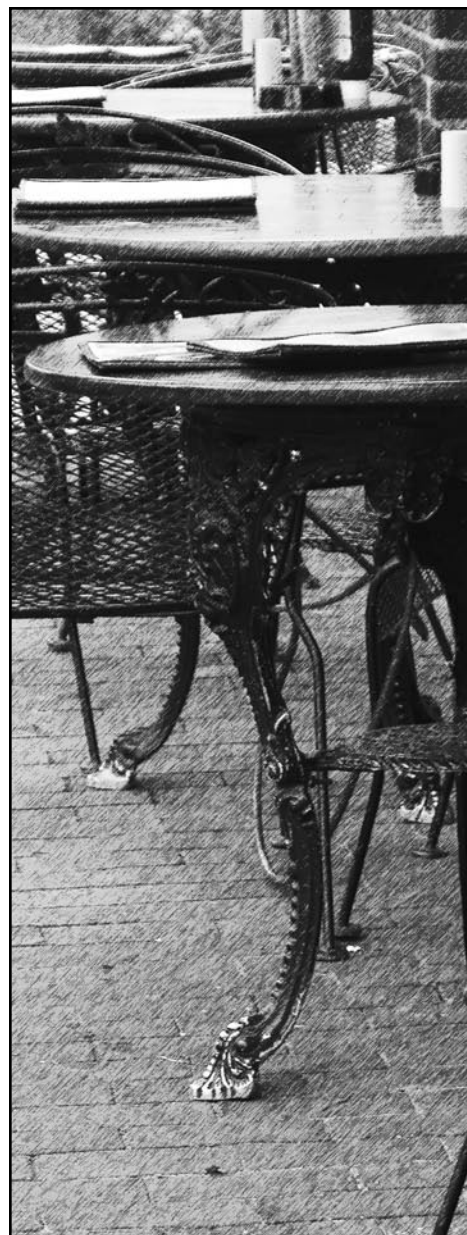
- Permits are not transferable to other individuals.
- Permit holders may be required to remove private materials or accessories temporarily to allow street, sidewalk, or utility access for maintenance operations. The Downtown Raleigh Alliance notifies permit holders via email at least 24 hours in advance of event related street closures approved through City Council.

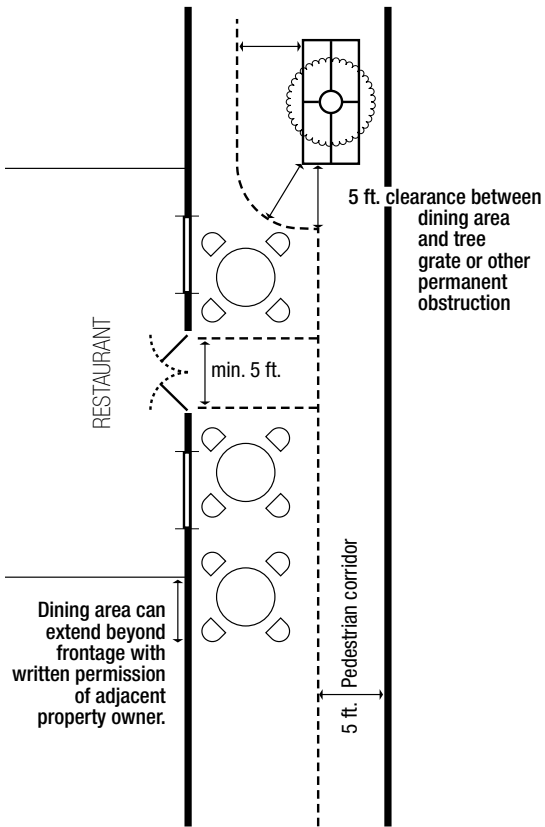
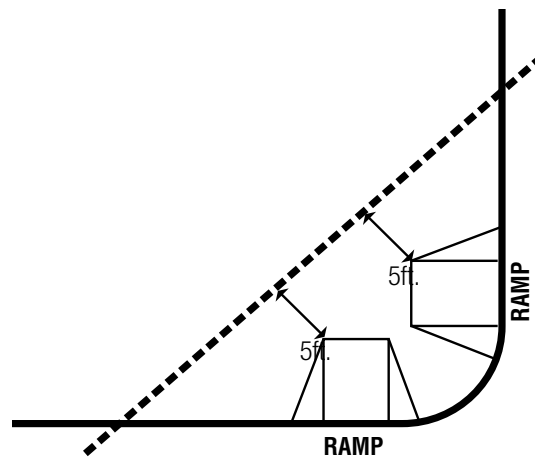
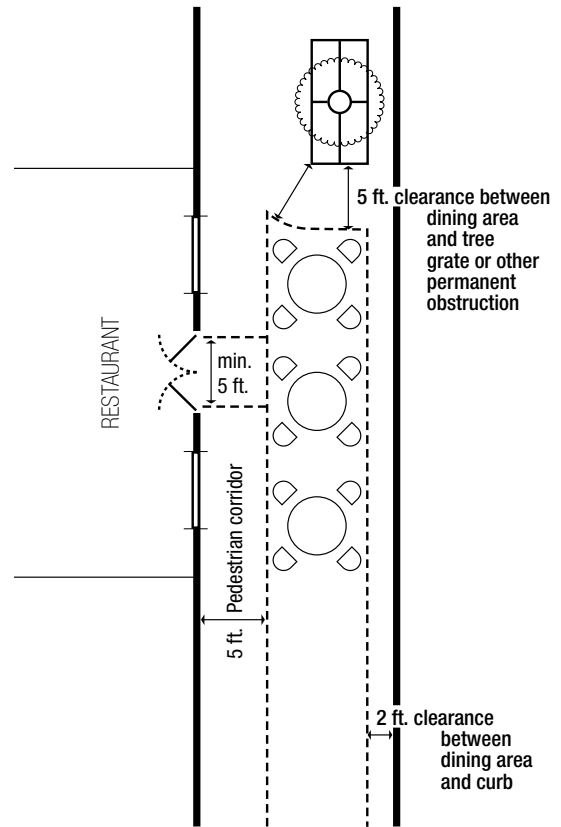
Maintenance

- The permit holder is responsible for keeping the immediate area covering 6 feet on all sides from the edge of the designated outdoor dining area clean of garbage, food debris, paper, cups, or cans associated with the operation of the outdoor dining space on a daily basis. All waste and trash must be properly disposed of by the permit holder.
- The permit holder is responsible for timely removal of snow and ice from the outdoor dining area as per the standards specified in the City publication *Fayetteville Street Renaissance Maintenance Partnership, Programs and Policies* (see Appendix Section 4). No ice-melt should drain into tree pits.
- The permit holder is responsible for the maintenance, upkeep, and security of furniture and accessories used in the outdoor dining area.
- Sidewalks within and adjacent to the outdoor dining area must be washed down and cleaned on a daily basis. Any stains from spills must be removed. Soiled pavement not able to be cleaned must be replaced by the permit holder, under the supervision of the Parks Department. Water and detergents used for cleaning must not drain into tree pits.
- Umbrellas and other outdoor dining area furniture must be kept clean, safe, and attractive.
- The permit holder is responsible for paying any costs resulting from damage to public space due to the outdoor dining operation. Repairs may be hired out to third parties. However, the permit holder is responsible to ensure that the contract work meets the city streetscape standards.

CHECKLIST

- ☐ Wake County Environmental Services Approval Letter
- ☐ City of Raleigh Business License
- ☐ Completed Outdoor Dining Permit Application
- ☐ Annual Fees
- ☐ Proof of Insurance
- ☐ Indemnity Agreement
- ☐ NC ABC License (for alcoholic beverages)
- ☐ City Beer/Wine License (for alcoholic beverages)
- ☐ Outdoor Amplification Permit (when required)

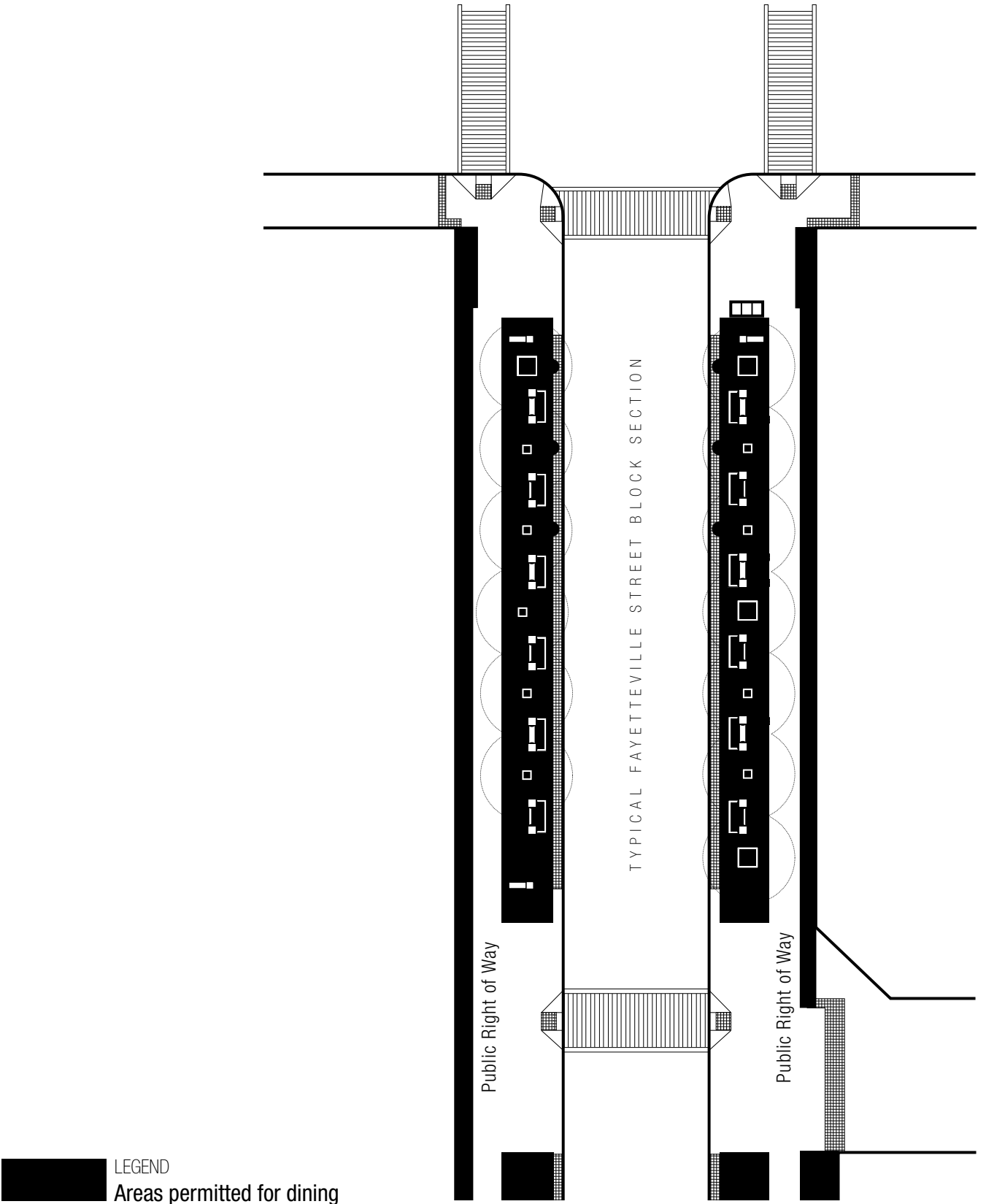


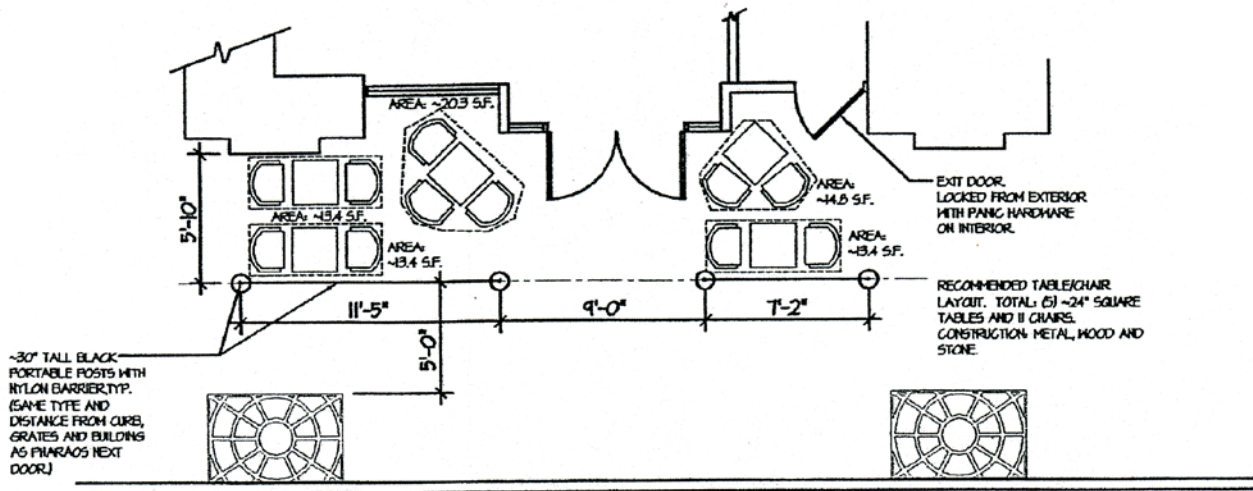
*Downtown Overlay District***OUTDOOR DINING: Location Parameters****Edge of Building****Next to Curb**

Tables and Chairs must be kept out of corner sight triangles — as a general rule, a minimum of 5 ft. back from both handicap ramps.

Fayetteville Street

OUTDOOR DINING: Permitted Locations





Furniture Layout
1/8" = 1'-0"

Sample Sketch Plan for Outdoor Dining